

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7549
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-016673

13 **Gary Royce Wisner, M.D.**
14 **16246 N. Locust Tree Rd.**
Lodi, CA 95240-9311

**NOTICE OF AUTOMATIC
SUSPENSION OF LICENSE**

15 **Physician's and Surgeon's Certificate**
16 **No. A 41236,**

[Bus. & Prof. Code, sec. 2236.1]

17 Respondent.

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19
20 TO RESPONDENT, GARY ROYCE WISNER, M.D.,:

21 **YOU ARE HEREBY NOTIFIED THAT** the Medical Board of California, Department of
22 Consumer Affairs, State of California, has determined upon review of certified records from the
23 Sacramento Superior Court of Sacramento that:

24 1. On June 16, 2022, in a criminal proceeding entitled People of the State of California
25 v. Gary Royce Wisner, M.D., in the Superior Court of California, County of Sacramento,
26 Department 40, Case No. 18FE01303, Respondent was found guilty of 10 felony counts of health
27 care insurance fraud, in violation of Penal Code Section 550, subdivision (a), making or
28 subscribing writings in support of false and fraudulent claims under the Medicare Healthcare

1 Insurer. Respondent was sentenced to seven years with the first two years to be served in county
2 jail, and the concluding term of five years shall be on mandatory supervision to the probation
3 department.

4 2. On July 9, 2018, a felony complaint was filed alleging 10 counts of felony healthcare
5 insurance fraud.

6 A. Count 1 alleged that that on or about and between August 17, 2016 and December 6,
7 2016, Respondent did knowingly prepare, make, or subscribe writings, with the intent to present
8 and use them or allow them to be presented, in support of false and fraudulent claims involving
9 Patient JM and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550,
10 subdivision (a), a felony.

11 B. Count 2 alleged that on or about and between July 10, 2015 and July 29, 2016,
12 Respondent did knowingly prepare, make, or subscribe writings, with the intent to present and use
13 them or allow them to be presented, in support of false and fraudulent claims involving Patient
14 KC and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a),
15 a felony.

16 C. Count 3 alleged that on or about and between May 29, 2015 and March 23, 2016,
17 Respondent did knowingly prepare, make, or subscribe writings, with the intent to present and use
18 them or allow them to be presented, in support of false and fraudulent claims involving Patient
19 MB and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a),
20 a felony.

21 D. Count 4 alleged that on or about and between April 15, 2016 and October 31, 2016,
22 Respondent did knowingly prepare, make, or subscribe writings, with the intent to present and use
23 them or allow them to be presented, in support of false and fraudulent claims involving Patient
24 BF and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a),
25 a felony.

26 E. Count 5 alleged that on or about and between January 12, 2016 and December 1,
27 2016, Respondent did knowingly prepare, make, or subscribe writings, with the intent to present
28 and use them or allow them to be presented, in support of false and fraudulent claims involving

1 Patient AS and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550,
2 subdivision (a), a felony.

3 F. Count 6 alleged that on or about and between October 28, 2013 and September 23,
4 2016, Respondent did knowingly prepare, make, or subscribe writings, with the intent to present
5 and use them or allow them to be presented, in support of false and fraudulent claims involving
6 Patient CG and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550,
7 subdivision (a), a felony.

8 G. Count 7 alleged that on or about and between January 7, 2013 and September 9, 2016,
9 Respondent did knowingly prepare, make, or subscribe writings, with the intent to present and use
10 them or allow them to be presented, in support of false and fraudulent claims involving Patient
11 BA and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a),
12 a felony.

13 H. Count 8 alleged that on or about and between November 6, 2013 and February 13,
14 2015, Respondent did knowingly prepare, make, or subscribe writings, with the intent to present
15 and use them or allow them to be presented, in support of false and fraudulent claims involving
16 Patient GM and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550,
17 subdivision (a), a felony.

18 I. Count 9 alleged that on or about and between February 7, 2013 and September 23,
19 2015, Respondent did knowingly prepare, make, or subscribe writings, with the intent to present
20 and use them or allow them to be presented, in support of false and fraudulent claims involving
21 Patient MB and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550,
22 subdivision (a), a felony.

23 J. Count 10 alleged that on or about and between April 1, 2016 and August 7, 2016,
24 Respondent did knowingly prepare, make, or subscribe writings, with the intent to present and use
25 them or allow them to be presented, in support of false and fraudulent claims involving Patient
26 KR and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a),
27 a felony.

28 ///

1 3. On September 2, 2022, you were remanded in custody and incarcerated at the
2 Sacramento County Main Jail, at 651 I Street, Sacramento, CA 95814.

3 4. The conviction and other certified supporting documents are attached and
4 incorporated herein as Attachment A.

5 **INCARCERATION: AUTOMATIC SUSPENSION**

6 5. Section 2236.1 of the Code states:

7 (a) A physician and surgeon's certificate shall be suspended automatically
8 during any time that the holder of the certificate is incarcerated after conviction of a
9 felony, regardless of whether the conviction has been appealed. The Medical Board
10 shall, immediately upon receipt of the certified copy of the record of conviction,
11 determine whether the certificate of the physician and surgeon has been automatically
12 suspended by virtue of his or her incarceration, and if so, the duration of that
13 suspension. The division shall notify the physician and surgeon of the license
14 suspension and of his or her right to elect to have the issue of penalty heard as
15 provided in this section.

16 (b) Upon receipt of the certified copy of the record of conviction, if after a
17 hearing it is determined therefrom that the felony of which the licensee was convicted
18 was substantially related to the qualifications, functions, or duties of a physician and
19 surgeon, the Medical Board shall suspend the license until the time for appeal has
20 elapsed, if no appeal has been taken, or until the judgment of conviction has been
21 affirmed on appeal or has otherwise become final, and until further order of the
22 division. The issue of substantial relationship shall be heard by and administrative
23 law judge from the Medical Quality Hearing Panel sitting alone or with a panel of the
24 division, in the discretion of the division.

25 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in
26 Section 2237, or a conviction of Section 187, 261, 262 or 288 of the Penal Code, shall
27 be conclusively presumed to be substantially related to the qualifications, functions,
28 or duties of a physician and surgeon and no hearing shall be held on this issue. Upon
29 its own motion or for good cause shown, the board may decline to impose or may set
30 aside the suspension when it appears to be in the interest of justice to do so, with due
31 regard to maintaining the integrity of and confidence in the medical profession.

32 (d) (1) Discipline may be ordered in accordance with Section 2227, or the
33 Medical Board may order the denial of the license when the time for appeal has
34 elapsed, the judgment of conviction has been affirmed on appeal, or an order granting
35 probation is made suspending the imposition of sentence, irrespective of a subsequent
36 order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
37 her plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty,
38 or dismissing the accusation, complaint, information, or indictment.

39 (2) The issue of penalty shall be heard by an administrative law judge from the
40 Medical Quality Hearing Panel sitting alone or with a panel of the board, in the
41 discretion of the board. The hearing shall not be had until the judgment of conviction
42 has become final or, irrespective of a subsequent order under Section 1203.4 of the
43 Penal Code, an order granting probation has been made suspending the imposition of
44 sentence; except that a licensee may, at his or her option, elect to have the issue of
45 penalty decided before those time periods have elapsed. Where the licensee so elects,

1 the issue of penalty shall be heard in the manner described in this section at the
2 hearing to determine whether the conviction was substantially related to the
3 qualifications, functions, or duties of a physician and surgeon. If the conviction of a
4 licensee who has made this election is overturned on appeal, any discipline ordered
5 pursuant to this section shall automatically cease. Nothing in this subdivision shall
6 prohibit the division from pursuing disciplinary action based on any cause other than
7 the overturned conviction.

8 (e) The record of the proceedings resulting in the conviction, including a
9 transcript of the testimony therein, may be received in evidence.

10 (f) The other provisions of this article setting forth a procedure for the
11 suspension or revocation of a physician and surgeon's certificate shall not apply to
12 proceedings conducted pursuant to this section.

13 WHEREFORE, THE MEDICAL BOARD OF CALIFORNIA, DEPARTMENT OF
14 CONSUMER AFFAIRS, HEREBY NOTIFIES YOU THAT, by virtue of said conviction and
15 incarceration, Physician's and Surgeon's Certificate Number A 41236, issued to Gary Royce
16 Wisner, M.D., was automatically suspended by operation of law, effective September 2, 2022,
17 pursuant to Business and Professions Code section 2236.1, subdivision (a).

18 Said suspension shall remain in effect while you are incarcerated, and shall continue
19 thereafter until a hearing may be held pursuant to Business and Professions Code section 2236.1,
20 subdivision (a) and (d)(2), or until further order of the Board.

21 Gary Royce Wisner, M.D. shall cause to be delivered to the Board both his wall and pocket
22 license certification within 15 days from the date of the service of this Order.

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1 **YOU ARE FURTHER NOTIFIED THAT** you have a right to a hearing on the issue of
2 penalty, as provided by Business and Professions Code section 2236.1, subdivisions (a) and
3 (d)(2), as set forth above. A request for penalty hearing may be made by delivering or mailing
4 such a request to: Jannsen Tan, Deputy Attorney General, Department of Justice, Office of the
5 Attorney General, 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.
6 This notice is being served by a designee of the Board upon Respondent. at his address of record
7 and at his location of incarceration noted above.

8
9 DATED: **OCT 20 2022**


10 WILLIAM PRASIFKA
11 Executive Director
12 Medical Board of California
13 Department of Consumer Affairs
14 State of California
15 Complainant

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Superior Court of California

County of Sacramento

Sacramento CA 95814

This letter is confirmation that the annexed instrument (inclusive) is a correct copy of the original on file in the Sacramento Superior Court file.

Sacramento Superior Court in and for the County of Sacramento, State of California.

CASE NAME GARY ROYCE WISNER

CASE NUMBER 18FE013037

ATTEST CERTIFIED DATE 09/22/2022

BY

A handwritten signature in black ink, appearing to be "R. J. [unclear]", is written over a horizontal line.



DEPUTY CLERK

TOTAL NUMBER OF PAGES 83

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER, GARY ROYCE

X-REF: 3085640

CASE NO. : 18FE013037

D.A.G.: THOMAS BRENNAN

RET: ALBERT M. ELLIS & ADAM RAMIREZ

[illegible]

SUPERIOR COURT OF CALIFORNIA
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DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
9/2/22	S. WHITE	40	CASH BAIL	8687	PROBATION HEARING JUDGMENT & SENTENCING
					DAG THOMAS BRENNAN PRES IN COURTROOM; RET ALBERT ELLIS & RET ADAM RAMIREZ PRES IN COURTROOM W/ DEF.;
					PROB REPORT RCVD, READ, & FILED
					JS: PURS TO 1170(h)(5)(B) PC - PROB DENIED PRINCIPLE TERM: CT 1: MT 3yr CJP CT 3: 1/3 MT 1yr CJP C/S CT 5: 1/3 MT 1yr CJP C/S CT 7: 1/3 MT 1yr CJP C/S CT 9: 1/3 MT 1yr CJP C/S CT 2: MT 3yr CJP C/C CT 4: MT 3yr CJP C/C CT 6: MT 3yr CJP C/C CT 10: MT 3yr CJP C/C AGG TERM: 7YR(S) CJP CREDITS: 1 ACT + 0 GT/WT = 1 TOTAL THE FIRST 2 YR(S) SHALL BE SERVED IN THE CJ, CONSECUTIVE; THE CONCLUDING TERM OF 5 YRS MOS. SHALL BE ON MANDATORY SUPERVISION TO THE PROB DEPT. UNDER THE TERMS AND CONDS LISTED ON THE ATTACHED PROB RPT PGS 1 TO 14 AS MOD. VICT REST AMT TBD REST BRIEFS DUE 11/17/22 RESPONSIVE PLEADINGS DUE 12/2/22 REST HEARING 2/3/23 1:30PM D40
					CONT NEXT PAGE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
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DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
6/16/22	S. WHITE	40	CASH BAIL	8687	JURY TRIAL DAY 9 (SEE FORMAL ORDER)
					DAG THOMAS BRENNAN PRES IN COURTROOM; RET ALBERT ELLIS & RET ADAM RAMIREZ PRES IN COURTROOM W/ DEF.;
					PEOPLE CLOSING; DEFENSE CLOSING; PEOPLE REBUTTAL; JURY DELIBERATIONS
					VERDICTS: CT. 1 - GUILTY CT. 2 - GUILTY CT. 3 - GUILTY CT. 4 - GUILTY CT. 5 - GUILTY CT. 6 - GUILTY CT. 7 - GUILTY CT. 8 - GUILTY CT. 9 - GUILTY CT. 10 - GUILTY
					REFER TO PROBATION FOR REPORT; REFER TO PROBATION PURS. PC 29810; DEFT ADVISED & PROVIDED W/ FIREARMS PROHIB PACKET; SUBMIT DNA SAMPLE PURS. PC 296
					MATTER CONT 8/5/22 1:30PM D40 FOR J&S
					DEF REMAINS REL CASH BAIL

SUPERIOR COURT OF CALIFORNIA
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
060622	AWONIYI	09	Bail		Trial
08:45					

ASSIGNED TO: VB 2/3

6/6/22 Gray 13 B 12892 170.6 Judge Gray (Oral) A
File reassign back to
dept 9

Deft. pres.: ☐ I/C ☐ O/C ☐ Remote
Deft. App. Wvd: ☐ PC 977 ☐ GCA:

Assigned to Dyo

Attorney Appearances:
☒ DA: Thomas ☐ Remote
☒ FD: Ellis ☐ Remote
☐ CAC/ATTY: ☐ Remote

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

PA: T. Brennan

Ret. A. Ellis
Ret. A. Ramirez

DATE JUDGE DEPT REL CSR PROCEEDINGS

052522 DAVIS 63 cash 11/951 TRC (TD 6.6.22) (LW)

01:35

TD Confirmed

Def. pres.: ☐ I/C ☐ O/C ☒ Remote
Def. App. Wvd: ☐ PC 977; ☐ GCA:

JIMS
87

Attorney Appearances:

☒ DA: in 1003

☐ PD:

☒ C/ATTY.

☐ Remote

☐ Remote

☒ Remote

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
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052022	MCCORMICK	15	B	11658	MSC (TRC 5-25-22) (TD 6-6-22)
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01:35					DAG T. BRENNAN PRES;
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					Attys A. ELLIS & A. RAMIREZ pres
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JMS
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF S. MENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

T. Brennan

Ret. A. Ellis
A. Ramirez

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
*****	*****	*****	*****	*****	*****
042722	FIORINI	63	CASH	ABOVE	TRC LTD 5.2.22 (TLW)
01:35					

TRIAL: ☐ VACATED ☒ RESET ☐ TRAILED 110
☐ TD OF _____ KEPT FOR WIT REC ONLY
 TRC: 5/25/22 @ 135 DEPT. 63
 TD: 6/6/22 8:45AM DEPT. 9
☐ NOTW ☐ GTW ☒ LTW ☐ DEFT OTA
☐ GOOD CAUSE FOUND

req for statutory priority

4 OTA

Def. pres.: ☐ I/C ☐ O/C ☒ Remote
 Def. App. Wvd: ☐ PC 977 ☐ GCA:

Attorney Appearances:

☒ DA: _____ ☐ Remote
☐ PD: _____ ☐ Remote
☒ CAC/ATTY. _____ ☒ Remote

JIMS
87

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

DA: T. Brennan ✓

Ref: A. Ellis

DATE JUDGE DEPT REL CSR PROCEEDINGS

020222 GOODMAN 63 can Sent 1/15/17 TRC LTD 27.23)

01:35

JIMS
12

4.27.22
5.2.22

VB
90

Def. pres.: ☐ I/C ☐ O/C ☒ Remote

Def. App. Wvd: ☐ PC 977 ☐ GCA:

Attorney Appearances:

☒ DA: 10 apt VB

☐ Remote

☐ PD:

☐ Remote

☒ CAC/ATTY: A. Ramirez

☒ Remote

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

DA: Brennan Tommy DAG ✓

Ret: A. Ellis ✓

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
111021	DAVIS	63	cash	14240	TRC (TD 11-15-21)
01:35					

Deft. pres: ☐ I/C ☒ O/C ☐ Remote
Deft. App. Wvd: ☐ PC 977; ☐ GCA:

TRIAL DATE VACATED & RESET

TRC: 2-02-22 1:35 Dept 63
TD: 2-07-23 8:43 Dept 96 TW

Attorney Appearances:

☒ DA: ☐ Remote
☒ PD: ☐ Remote
☒ ALG/ATTY: ☐ Remote

100000

1 3085640 18FE013037 SUP

Ref A. Ellis

JMS
23

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME
WISNER GARY ROYCE

DEF XREF CASE
1 3085640 18FE013037 SUP

CUSTODY STATUS: CASH

DOB: 07/24/1956

LEA: DEPARTMENT OF JUSTICE DIVISION OF LAW - SACRAMENT ARREST #: 10092567-01

BAIL SET: \$50,000.00

BAIL POSTED: \$50,000.00

BOND #: 329627

PROSECUTOR: BRENNAN, TOMMY

DEFENSE: ELLIS, ALBERT
TYPE: RET

RAMIREZ, ADAM
RET

SECTION(S) VIOLATED:

08/17/2016 - 12/06/2016	(CT 1)	PC 550(A)(5)
07/10/2015 - 07/29/2016	(CT 2)	PC 550(A)(5)
05/29/2015 - 03/23/2016	(CT 3)	PC 550(A)(5)
04/15/2016 - 10/31/2016	(CT 4)	PC 550(A)(5)
01/12/2016 - 12/01/2016	(CT 5)	PC 550(A)(5)
10/28/2013 - 09/23/2016	(CT 6)	PC 550(A)(5)
01/07/2013 - 09/09/2016	(CT 7)	PC 550(A)(5)
11/06/2013 - 02/13/2015	(CT 8)	PC 550(A)(5)
02/07/2013 - 09/23/2015	(CT 9)	PC 550(A)(5)
04/01/2016 - 08/26/2016	(CT 10)	PC 550(A)(5)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
*****	*****	****	****	****	*****
070821	FRAWLEY	63			
08:30					

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

[illegible]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

Ret. Ellis, Albert

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
122019	SAPUNOR	08	VB	2200	TRC (TD 1-13-20) Apres w/ATTY Ellis
09:00					
					TRIAL DATE VACATED
					TRIAL TRAILED / RESET
					TRC: 5-11-20 DEPT 9
					TRC: 4-28-20 DEPT 8
					(LAST DAY =) (LTW) JMS 53
3-16-20	H. GWEON	9	Bail	1342	Δ Not. Cont. Trial. - gtd
8:30					
					TRIAL DATE VACATED AND RESET/ TRAILED
					TRC: 4-13-20 DEPT 8
					TRC: 6-22-20 DEPT 9 OF 10
					30TH/45TH/60TH DAY: (48) TW
					DEPT OTA - TRIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME
WISNER GARY ROYCE

DEF XREF CASE
1 3085640 18FE013037 SUP

CUSTODY STATUS: CASH

DOB: 07/24/1956

DATE FILED: 07/09/2018

LEA: DEPARTMENT OF JUSTICE DIVISION OF LAW - SACRAMENT ARREST #: 10092567-01

BAIL SET: \$50,000.00

BAIL POSTED: \$50,000.00

BOND #: 329627

PROSECUTOR: BRENNAN, TOMMY

DEFENSE: ELLIS, ALBERT
TYPE: RET

SECTION(S) VIOLATED:

08/17/2016 - 12/06/2016	(CT 1)	PC 550 (A) (5)
07/10/2015 - 07/29/2016	(CT 2)	PC 550 (A) (5)
05/29/2015 - 03/23/2016	(CT 3)	PC 550 (A) (5)
04/15/2016 - 10/31/2016	(CT 4)	PC 550 (A) (5)
01/12/2016 - 12/01/2016	(CT 5)	PC 550 (A) (5)
10/28/2013 - 09/23/2016	(CT 6)	PC 550 (A) (5)
01/07/2013 - 09/09/2016	(CT 7)	PC 550 (A) (5)
11/06/2013 - 02/13/2015	(CT 8)	PC 550 (A) (5)
02/07/2013 - 09/23/2015	(CT 9)	PC 550 (A) (5)
04/01/2016 - 08/26/2016	(CT 10)	PC 550 (A) (5)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
082619	BROWN	08	CASH	12909	TRC (TO 9.19.19)
08:30					Apres w/Atty Ramirez SA
					TRIAL DATE VACATED
					TRIAL TRAILED (RESET)
					TO: 1.13.20
					TRC: 12.20.19 9A00 DEPT 8 707A
					(LAST DAY =) (LTC)

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

JICR0420/CR61A - PAGE 01

JICR0420/CR61B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - PROCEEDINGS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

Tommy Brennan *A. Ellis Ret.*

DATE	JUDGE	DEPT.	REL	CSR	PROCEEDINGS
050819	FRAWLEY	08	CASH	1200A	SC <i>Apres w/ Atty Sli</i>
08:30					
					NG PLEA(S)/Denial(s) Entered
					PM SET <i>7-10-19</i>
					@ <i>830</i> AM/PM in Dept <i>907A</i>
					NO TW; <i>X</i> TW by Dept <i>(10/80)</i> both
<i>7/10/19</i>	S. LUERAS	<i>9</i>	<i>CASH</i>	<i>8706</i>	<i>PH Apres w/ Atty</i>
					<i>Atty Albert Ellis Ret'd</i>
					<i>for trial</i>
					COURT DEEMED COMPLAINT TO BE INFORMATION
					DEF. ARRAIGNED DEF. WAIVED ARRAIGN.
					PD/CAC RE-APPTED NG PLEA/DENIAL ENTERED <i>FWW</i>
					PM SET @ DEPT. <i>8</i>
					<i>TR</i> SET <i>8-26-19</i> @ <i>830</i> DEPT. <i>8</i>
					TO SET <i>9-9-19</i> @ <i>845</i> DEPT. <i>7</i>
					<i>X</i> DEPT. PERS WAIVED TIME ORDERED TO APPEAR
					DEF. REMAND. ON PAID POSTED O/R

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER -- HEADER/PROCEEDINGS

DEFENDANT NAME
WISNER GARY ROYCE

DEF XREF CASE
1 3085640 18FE013037 SUP

CUSTODY STATUS: CASH

DOB: 07/24/1956

DATE FILED: 07/09/2018

LEA: DEPARTMENT OF JUSTICE DIVISION OF LAW - SACRAMENT ARREST #: 10092567-01

BAIL SET: \$50,000.00

BOND #: 329627

BAIL POSTED: \$50,000.00

PROSECUTOR:

DEFENSE: ELLIS, ALBERT
TYPE: RET

SECTION(S) VIOLATED:

08/17/2016 - 12/06/2016	(CT 1)	PC 550 (A) (5)
07/10/2015 - 07/29/2016	(CT 2)	PC 550 (A) (5)
05/29/2015 - 03/23/2016	(CT 3)	PC 550 (A) (5)
04/15/2016 - 10/31/2016	(CT 4)	PC 550 (A) (5)
01/12/2016 - 12/01/2016	(CT 5)	PC 550 (A) (5)
10/28/2013 - 09/23/2016	(CT 6)	PC 550 (A) (5)
01/07/2013 - 09/09/2016	(CT 7)	PC 550 (A) (5)
11/06/2013 - 02/13/2015	(CT 8)	PC 550 (A) (5)
02/07/2013 - 09/23/2015	(CT 9)	PC 550 (A) (5)
04/01/2016 - 08/26/2016	(CT 10)	PC 550 (A) (5)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
*****	*****	*****	*****	*****	*****
030619	BROWN	08	CASH	12909 SC	Apres w/ Atty Ellis
08:30					5-8-19 8308 OPA 40

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

WISNER GARY ROYCE

1 3085640 18FE013037 SUP

A. Ellis, Ret

CT3: 1

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
092718	ORR	08	CASH	12909	SC Δ pres w/ Atty Ramirez S/I 10/25/18 830 8 OTA
12-5-2018	L. BROWN	8	CASH	12909	SC Δ pres w/ Atty Ellis 12-10-18 830 8 SC/mot Consol/change of Venue - OT440 JMS
1-10-2019	L. BROWN	8	CASH	12909	SC / Mot to Consol/Join Chang Plea PPI'S OPP to Mot/consol Change of Plea Δ pres w/ Atty Ellis Cnsl Submitted 977 wue 1-2-21-18 9:00 8 OT440 JMS
2-2018	Brown	8	CASH	12909	SC / Mot to Consol Join cov Δ pres w/ Atty Ramirez S/I Mot to Consol/Join - Denied A.S.R. 1-25-19 9AM 8 SC -OTA
2019	Brown	8	CASH	12909	SC Δ pres w/ Atty Ramirez 3-6-19 830 8 OTA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME
WISNER GARY ROYCE

DEF XREF CASE
1 3085640 18FE013037 SUP

CUSTODY STATUS: CASH

DOB: 07/24/1956

DATE FILED: 07/09/2018

LEA: DEPARTMENT OF JUSTICE DIVISION OF LAW - SACRAMENT ARREST #: 10092567-01

BAIL SET: \$50,000.00

BAIL POSTED: \$50,000.00

BOND #: 329627

PROSECUTOR:

DAG

DEFENSE: ELLIS, ALBERT

TYPE: RET

SECTION(S) VIOLATED:

08/17/2016 - 12/06/2016	(CT 1)	PC 550(A) (5)
07/10/2015 - 07/29/2016	(CT 2)	PC 550(A) (5)
05/29/2015 - 03/23/2016	(CT 3)	PC 550(A) (5)
04/15/2016 - 10/31/2016	(CT 4)	PC 550(A) (5)
01/12/2016 - 12/01/2016	(CT 5)	PC 550(A) (5)
10/28/2013 - 09/23/2016	(CT 6)	PC 550(A) (5)
01/07/2013 - 09/09/2016	(CT 7)	PC 550(A) (5)
11/06/2013 - 02/13/2015	(CT 8)	PC 550(A) (5)
02/07/2013 - 09/23/2015	(CT 9)	PC 550(A) (5)
04/01/2016 - 08/26/2016	(CT 10)	PC 550(A) (5)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
*****	*****	****	****	****	*****
081418	BROWN	08	08	12009	SC. Apres w/ Atty Ellis
08:30					9.27.18 830 8 STA JMS 40

WARRANTS OR TOP CDO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME
WISNER GARY ROYCE

DEF XREF CASE
1 3085640 18FE013037 SUP

CUSTODY STATUS: CASH

DOB: 07/24/1956

DATE FILED: 07/09/2018

LEA: DEPARTMENT OF JUSTICE DIVISION OF LAW - SACRAMENT ARREST #: 10092567-01

BAIL SET: \$50,000.00

BAIL POSTED: \$50,000.00

BOND #:

PROSECUTOR:

Thomas Brennan, DAG

DEFENSE:

TYPE: *Albert Ellis, Ret.*

SECTION(S) VIOLATED:

08/17/2016 - 12/06/2016	(CT 1)	PC 550(A) (5)
07/10/2015 - 07/29/2016	(CT 2)	PC 550(A) (5)
05/29/2015 - 03/23/2016	(CT 3)	PC 550(A) (5)
04/15/2016 - 10/31/2016	(CT 4)	PC 550(A) (5)
01/12/2016 - 12/01/2016	(CT 5)	PC 550(A) (5)
10/28/2013 - 09/23/2016	(CT 6)	PC 550(A) (5)
01/07/2013 - 09/09/2016	(CT 7)	PC 550(A) (5)
11/06/2013 - 02/13/2015	(CT 8)	PC 550(A) (5)
02/07/2013 - 09/23/2015	(CT 9)	PC 550(A) (5)
04/01/2016 - 08/26/2016	(CT 10)	PC 550(A) (5)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
072318	BROWN	08	<i>REL</i>	<i>12909</i>	<i>Arrest</i>
10:30					<i>A Pres, Romariz SA 7 AW</i>
					DEFT ARRAIGNED & ADVISED OF RIGHTS
					___ ADVISED OF MILITARY RIGHTS PURS PC 585(D)
					___ ADVISED OF VIENNA CONV. ON CNLSR RLINS RTS
					___ PD APPOINTED ___ PD CONFLICT/CCD APPOINTED
					___ RETAINED PRIVATE COUNSEL
					___ COPY OF COMPLAINT DELIVERED TO COUNSEL
					___ ORDERED TO MEET W/CNSL BEFORE NEXT APPR
					SC <i>8-14-18</i> DEPT <i>OTA</i>

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

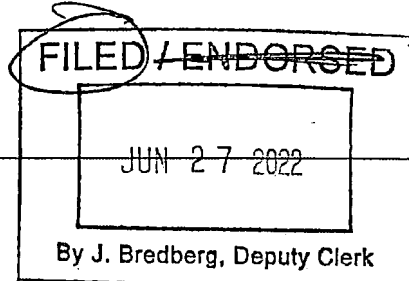
PROBATION DEPARTMENT
COUNTY OF SACRAMENTO
Memorandum to Court

Date: June 21, 2022

TO: THE HONORABLE
JUDGE OF THE SUPERIOR COURT
DEPARTMENT 40

FROM: ZACH A. HAISLIP
DEPUTY PROBATION OFFICER

SUBJECT: GARY ROYCE WISNER
Court No. : 18FE013037
CJIS XREF No. : 3085640
Probation No. : A-532,697



REASON FOR MEMORANDUM: PC 29810 Prohibited Persons Report

Date of Conviction: 06/16/2022

Conviction(s): 550(a)(5) P.C. (ten counts)

Pursuant to Penal Code Section 29810, the defendant is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall relinquish all firearms. The defendant was previously advised of this prohibition at conviction.

On 06/16/2022, a check of the Automated Firearms System (AFS) showed the defendant has five registered firearms. It is recommended a continuance be granted to allow for additional investigation.

Prepared by:

ZACH A. HAISLIP
DEPUTY PROBATION OFFICER

Approved by:

STEWART GRACE
SUPERVISING PROBATION OFFICER

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 16, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : A. PLASCENSIA, #8687

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

GARY ROYCE WISNER, M.D.,
Defendant.

Nature of Proceedings: JURY TRIAL DAY 9

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:00 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the People made a Closing Argument.

At 10:27 a.m., the court announced the morning recess.

At 10:45 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places. All parties were also present.

Thereafter, the People resumed their closing argument.

At 10:52 a.m., the Defense made a closing argument.

At 11:36 a.m., the People made a rebuttal argument.

The Court finished instructing the jury.

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 9

The clerk administered the oath to the bailiff at 11:46 a.m. to take charge of the jury and the jury retired to the deliberation room to begin deliberations.

Thereafter, the alternate jurors were instructed to remain on telephone standby and released.

At 11:50 a.m., Court stood adjourned awaiting the jury's verdicts.

At 12:00 p.m., Court stood adjourned awaiting the jury's verdicts. The jurors were released for the lunch recess and were ordered to return to the deliberation room at 1:30 p.m.

At 1:30 p.m., the jury returned from the lunch recess and resumed deliberations.

At 3:08 p.m., a communication was received from the jury requesting the following:

JURY COMMUNICATION #1

"For a portion of the record to be read back: Dr. Wisner's testimony where he read off his long complex diagnosis of patient Michael Berkeland from his own documents."

Dated: 6/16/22
Time: 1508

Seat Number of Foreperson: 6

All counsel was contacted regarding the request. No objections were received from counsel. The court reporter then began preparing the requested read back.

At 3:43 p.m., the court reporter entered the deliberation room to provide the requested read back.

At 3:50 p.m., the court reporter completed the requested read back and exited the deliberation room.

At 4:15 p.m., the jury notified the bailiff that verdicts had been reached.

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
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WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 9

18FE013

Counsel and alternate jurors were notified and ordered to return to Department 40 immediately.

At 4:12 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Defendant and counsels for both parties were also present. The Court confirmed with the presiding juror, #6, that a verdict had been reached as to all counts.

**VERDICT
COUNT ONE**

Regarding the charge in **Count One**, that on or about and between August 17, 2016 and December 6, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient J. Martinez and the Medi-Cal Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/ _____
Foreperson Juror # 6

**VERDICT
COUNT TWO**

Regarding the charge in **Count Two**, that on or about and between July 10, 2015, and July 29, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient K. Chitwood and the Medi-Cal Healthcare Insurer**, we find the defendant:

Guilty

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE01303/
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 9

Dated: 6/16/22

Signed: /s/
Foreperson Juror # 6

VERDICT
COUNT THREE

Regarding the charge in **Count Three**, that on or about and between May 29, 2015, and March 23, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient M. Berkeland and the Medi-Cal Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/
Foreperson Juror # 6

VERDICT
COUNT FOUR

Regarding the charge in **Count Four**, that on or about and between April 15, 2016, and October 31, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient B. Frechette and the Medi-Cal Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/
Foreperson Juror # 6

//

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.
Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 9

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//

VERDICT
COUNT FIVE

Regarding the charge in **Count Five**, that on or about and between January 12, 2016, and December 1, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient A. Suddith and the Medi-Cal Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/ _____
Foreperson Juror # 6

VERDICT
COUNT SIX

Regarding the charge in **Count Six**, that on or about and between October 28, 2013, and September 23, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient C. Grabowski and the Medicare Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/ _____
Foreperson Juror # 6

//

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.
Superior Court of California,
County of Sacramento

BY: J. BREDBERG
Deputy Clerk

Page 5 of 9 4 pages

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 9

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VERDICT
COUNT SEVEN

Regarding the charge in **Count Seven**, that on or about and between January 7, 2013, and September 9, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving patient B. Figueroa and the Medicare Healthcare Insurer, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/
Foreperson Juror # 6

VERDICT
COUNT EIGHT

Regarding the charge in **Count Eight**, that on or about and between November 6, 2013, and February 13, 2015, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving patient G. Mettler and the Medicare Healthcare Insurer, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/
Foreperson Juror # 6

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG
Deputy Clerk

CASE NUMBER: 18FE013037

DEPARTMENT: 40

CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.

PROCEEDINGS: JURY TRIAL DAY 9

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VERDICT
COUNT NINE

Regarding the charge in **Count Nine**, that on or about and between February 7, 2013, and September 23, 2015, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient M. Brusstar and the Medicare Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/

Foreperson Juror # 6

VERDICT
COUNT TEN

Regarding the charge in **Count Ten**, that on or about and between April 1, 2016, and August 26, 2016, defendant **GARY WISNER** did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, **in support of false and fraudulent claims involving patient K. Rosen and the Medicare Healthcare Insurer**, we find the defendant:

Guilty

Dated: 6/16/22

Signed: /s/

Foreperson Juror # 6

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG
Deputy Clerk

CASE NUMBER: 18FE013037

DEPARTMENT: 40

CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.

PROCEEDINGS: JURY TRIAL DAY 9

CASE NUMBER: 18FE013037

DEPARTMENT: 40

CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.

The jury was polled as to their verdicts. All twelve jurors affirmed the verdicts and the Court ordered the verdicts recorded and to stand as returned.

The Court ordered the jury information sealed.

The Court thanked the jurors for their service in this matter, released them from the admonition not to discuss the case outside the jury deliberation room and excused them from service.

Outside the presence of the jury the Court referred this matter to Probation for report and continued the matter to August 5, 2022 at 1:30 p.m. in Department 40 for Judgement and Sentencing.

The Court adjourned.

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG
Deputy Clerk

CASE NUMBER: 18FE013037

CASE NUMBER: 18FE013037

DEPARTMENT: 40

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CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.

PROCEEDINGS: JURY TRIAL DAY 9

DEPT : 40
DATE : JUNE 16, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 15, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : A. PLASCENSIA, #8687

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

~~ALBERT ELLIS, RET / ADAM~~
RAMIREZ, RET

GARY ROYCE WISNER, M.D.,
Defendant.

Nature of Proceedings: JURY TRIAL DAY 8

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:02 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the Defense's witness Gary Wisner resumed testimony.

At 10:30 a.m., the court announced the morning recess.

At 10:47 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places. All parties were also present.

Thereafter, the Defense's witness Gary Wisner resumed testimony.

At 11:59 a.m., the court announced the lunch recess and ordered all to return at 1:30 p.m.

At 1:30 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. All parties were also present.

Thereafter, the Defense's witness Gary Wisner resumed testimony.

At 1:38 p.m., the Defense's witness Gary Wisner concluded testimony.

DEPT : 40
DATE : JUNE 15, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 8

The Defense then rested, subject to exhibits being admitted into evidence. Thereafter, witness Ross Martin once again took the stand and testified on behalf of the People for rebuttal evidence.

At 1:41 p.m., the People's witness Ross Martin was excused.

~~The People then rested rebuttal evidence.~~

The jurors were then excused for a short recess.

Outside the presence of jurors the Court added to the record an earlier sidebar objection by Defense to the People's cross examination of Gary Wisner as more fully stated on the record.

The court then reviewed exhibits to admit and withdraw those still pending as more fully stated on the record.

Thereafter, the court reviewed jury instructions and heard objections and proposed edits as more fully stated on the record.

At 2:00 p.m., all jurors returned from recess and took their proper places.

Thereafter, the court instructed the jury and alternate jurors in accordance with the law.

At 2:30 p.m., the court announced the evening recess, admonished the jurors, and ordered all to return June 16, 2022, at 9:00 a.m. in Department 40.

The court adjourned.

DEPT : 40
DATE : JUNE 15, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.
Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 14, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

~~ALBERT ELLIS, RET / ADAM~~
~~RAMIREZ, RET~~

GARY ROYCE WISNER, M.D.,
Defendant.

Nature of Proceedings: JURY TRIAL DAY 7

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:02 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, witness Jennifer Martinez was sworn and testified on behalf of the People.

At 9:30 a.m., the People's witness Jennifer Martinez was excused.

Thereafter, the People's witness David Manske once again took the stand and resumed testimony.

At 10:30 a.m., the court announced the morning recess.

At 10:49 a.m., outside the presence of the jurors and with defendant and counsel present, the court discussed a note received by the bailiff from Juror #10 regarding an alleged discussion between Juror #6 and the People's witness David Manske regarding medical advice for a family member. Juror #6 was brought in and questioned regarding this conversation as more fully stated on the record. Juror #6 was reminded of the admonishments and the juror stated that the conversation had nothing to do with any of the testimony or facts in this case as more fully stated on the record. Counsel

DEPT : 40
DATE : JUNE 14, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 7

for both parties voire dire questioned Juror #6 as more fully stated on the record. Juror #6 was then excused from the courtroom.

The People and Defense both agreed to have Juror #6 remain as more fully stated on the record.

Thereafter, the Defense made an oral motion to dismiss Counts 6 and 7 due to the victims in these counts not testifying in this matter as more fully stated on the record. The Defense's motion was denied and Counts 6 and 7 remain as more fully stated on the record.

The Court then discussed a stipulation between parties to advise the jury that the victim in Count 6 is deceased and the victim in Count 7 is currently in end-of-life hospice which is why these victims did not testify in this matter as more fully stated on the record.

At 11:03 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the court advised the jury of the stipulation made between parties during the recess regarding victims in Counts 6 and 7 as more fully stated on the record.

The People's witness David Manske then resumed testimony.

At 11:07 a.m., the People's witness David Manske was excused.

The People then rested.

Thereafter, the witness Gary Wisner was sworn and testified on behalf of the Defense.

At 11:58 a.m., the court announced the lunch recess and ordered all to return at 1:30 p.m.

At 1:35 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Defendant and counsel also present.

Counsel expressed agreement to hear witness testimony out of order to accommodate need for interpreter.

DEPT : 40
DATE : JUNE 14, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 7

Thereafter, witness Cheryl Barber was sworn and testified on behalf of the Defense

At 1:51 p.m., the Defense's witness Cheryl Barber was excused.

At 1:54 p.m., witness George Kepley was sworn and testified on behalf of the Defense.

~~At 2:05 p.m., the Defense's witness George Kepley was excused.~~

Thereafter, witness Maria G. Romero De Rodriguez was sworn and testified on behalf of the Defense with the assistance of Spanish language interpreter Maria Fitzgibbons, oath on file.

At 2:23 p.m., the Defense's witness Maria G. Romero De Rodriguez was excused.

Thereafter, witness Jorge Prieto was sworn and testified on behalf of the People with the assistance of Spanish language interpreter Maria Fitzgibbons, oath on file.

At 2:43 p.m., the Defense's witness Jorge Prieto was excused.

Thereafter, witness Ronnie Canchola was sworn and testified on behalf of the Defense.

At 2:59 p.m., the court announced the afternoon recess.

At 3:17 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Defendant and counsel also present.

Thereafter, the Defense's witness Ronnie Canchola resumed testimony.

At 3:19 p.m., the Defense's witness Ronnie Canchola was excused.

Thereafter, witness Elaine Nonela was sworn and testified on behalf of the Defense.

At 3:38 p.m., the Defense's witness Elaine Nonela was excused.

DEPT : 40
DATE : JUNE 14, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037

DEPARTMENT: 40

CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.

PROCEEDINGS: JURY TRIAL DAY 7

Thereafter, witness Kim Kundert was sworn and testified on behalf of the Defense.

At 3:45 p.m., the Defense witness Kim Kundert was excused.

Thereafter, the Defense's witness Gary Wisner once again took the stand to resume testimony.

At 4:30 p.m., the court announced the evening recess, admonished the jurors, and ordered all to return on June 15, 2022, at 9:00 a.m. in Department 40.

Throughout the course of the day's proceedings the following exhibits were MARKED for identification for the DEFENSE: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, & SS.

Throughout the course of the day's proceedings the following exhibits were ADMITTED for the DEFENSE: A, B, V, W, & DD.

The court then adjourned.

DEPT : 40
DATE : JUNE 14, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER
DEPARTMENT
JUNE 13, 2022

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CASE NUMBER
DEPARTMENT
JUNE 13, 2022

DATE/TIME : JUNE 13, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, D.A.G.

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT M. ELLIS, RET.
ADAM RAMIREZ, RET.

Nature of Proceedings: JURY TRIAL DAY 6 - ADDENDUM

Throughout the course of the day's proceedings the following exhibits were marked for identification for the People: 31, 32, 33, 34, 35, 36, & 48

Throughout the course of the day's proceedings the following exhibits were ADMITTED for the PEOPLE: 31, 32, 33, 34, 35, 36, & 48.

DEPT : 40
DATE : JUNE 13, 2022
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 13, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

GARY ROYCE WISNER, M.D.,
Defendant.

Nature of Proceedings: JURY TRIAL DAY 6

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:02 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the People's witness David Doyle resumed testimony.

At 9:49 a.m., the People's witness David Doyle was excused and subject to recall.

Thereafter, the People's witness Ross Martin took the stand for additional testimony.

At 9:53 a.m. the People's witness Ross Martin was excused and subject to recall.

Thereafter, witness Kimberly Rosen was sworn and testified on behalf of the People.

At 10:28 a.m., the People's witness Kimberly Rosen was excused and subject to recall.

The court then announced the morning recess.

DEPT : 40
DATE : JUNE 13, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 6

Thereafter, outside the presence of jurors, the Defense expressed concerns regarding the testimony of Kimberly Rosen and the previously ruled upon Defense in limine motion regarding defendant's use of profanities and bedside manner as more fully stated on the record.

Additionally, the Defense raised an earlier objection to the admittance of People's exhibit 48 as more fully stated on the record. Judge overruled the Defense's objection and People's exhibit #48 was admitted.

Throughout the course of the day's proceedings, the following exhibits were ADMITTED for the People: 48

At 10:55 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, witness Kathryn Chitwood was sworn and testified on behalf of the People.

At 11:36 a.m., the People's witness Kathryn Chitwood was excused.

Thereafter, witness David Manske was sworn and testified on behalf of the People.

At 11:59 a.m., the court announced the lunch recess and ordered all to return at 1:30 p.m.

At 1:33 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. All parties were also present.

Thereafter, the People indicated that witness David Mankse would continue testimony later this day and proceeding to call a different witness.

Witness Mollie Brusstar was then sworn and testified on behalf of the People.

At 2:20 p.m., the People's witness Mollie Brustar was excused.

Thereafter, the People's witness David Manske took the stand and resumed testimony.

DEPT : 40
DATE : JUNE 13, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
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WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037-013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 6

At 2:59 p.m., the court announced the afternoon recess.

At 3:16 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. All parties were also present.

Thereafter, the People's witness David Manske resumed testimony.

At 4:12 p.m., the court announced the evening recess, admonished the jurors, and ordered all to return June 14, 2022, at 9:00 a.m. in Department 40.

Outside the presence of jurors, the court discussed the earlier defense objection regarding the Defense in limine motions as more fully stated on the record.

Additionally, the court discussed scheduling as more fully stated on the record.

Thereafter, the court adjourned.

DEPT : 40
DATE : JUNE 13, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 10, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, D.A.G.

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT M. ELLIS, RET.
ADAM RAMIREZ, RET.

Nature of Proceedings: JURY TRIAL DAY 5 - ADDENDUM

Throughout the course of the day's proceedings the following exhibits were marked for identification for the People: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, & 46.

Throughout the course of the day's proceedings the following exhibits were ADMITTED for the PEOPLE: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 44, 45, & 46.

DEPT : 40
DATE : JUNE 10, 2022
CASE NO.: 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 10, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

Nature of Proceedings: JURY TRIAL DAY 5

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:01 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, witness Ross Martin was sworn and testified on behalf of the People.

At 10:20 a.m., the People's witness Ross Martin was excused and subject to recall.

Thereafter, the court announced the morning recess.

Outside the presence of jurors, the court discussed a counsel sidebar objection with Judge White regarding exhibits 21, 22, and 23 that was overruled by the court as more fully stated on the record. The Defense then made their objection on the record.

The Defense then made their objection on the record to a separate counsel sidebar conversation with Judge White regarding People's witness Gregg Pottorff testimony that was overruled as more fully stated on the record.

DEPT : 40
DATE : JUNE 10, 2022 / 9:00 A.M.
CASE NO : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 5

At 10:47 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, witness Terry Cumpion was sworn and testified on behalf of the People.

At 11:11 a.m., the People's witness Terry Cumpian was excused.

Thereafter, witness David Doyle was sworn and testified on behalf of the People.

At 11:59 a.m., the court announced the evening recess, reminded the jurors of the admonishments, and ordered all to return June 13, 2022, at 9:00 a.m. in Department 40.

Outside the presence of jurors, the court ordered the People's witness Emily Sankus to appear on June 13, 2022, at 9:00 a.m. in Department 40.

The court then had off record discussions regarding scheduling.

The court then adjourned.

DEPT : 40
DATE : JUNE 10, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 9, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

PRESENT:
THOMAS BRENNAN, D.A.G.

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT M. ELLIS, RET.
ADAM RAMIREZ, RET.

Nature of Proceedings: JURY TRIAL DAY 4 - ADDENDUM

Throughout the course of the day's proceedings the following exhibits were marked for identification for the People: 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, & 78.

Throughout the course of the day's proceedings the following exhibits were ADMITTED for the PEOPLE: 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, & 78.

DEPT : 40
DATE : JUNE 9, 2022
CASE NO : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 9, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

Nature of Proceedings: JURY TRIAL DAY 4

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:04 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the People's witness Heather Arlin resumed testimony.

At 9:10 a.m., the People's witness Heather Arlin was excused.

Thereafter, witness Gail Mettler was sworn and testified on behalf of the People.

At 9:43 a.m., the People's witness Gail Mettler was excused.

Thereafter, witness Agnes Suddith was sworn and testified on behalf of the People.

At 10:14 a.m., the People's witness Agnes Suddith was excused.

Thereafter, witness Gregg Pottorff was sworn and testified on behalf of the People.

At 10:30 a.m., the court announced the morning recess.

DEPT : 40
DATE : JUNE 9, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 4

At 10:47 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Counsels for both parties were also present.

Thereafter, the People's witness Gregg Pottorff resumed testimony.

At 11:59 a.m., the People's witness Greg Pottorff was excused.

Thereafter, the court announced the lunch recess.

At 1:32 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Counsels for both parties were also present.

Thereafter, witness James Seibert was sworn and testified on behalf of the People.

At 2:07 p.m., the People's witness James Seibert was excused.

Thereafter, witness Brad Frechette was sworn and testified on behalf of the People.

At 2:45, the People's witness Brad Frechette was excused.

Thereafter, witness Deidre Jordan was sworn and testified on behalf of the People.

At 2:59 p.m., the court announced the afternoon recess.

Thereafter, outside the presence of jurors, the court had off record discussions regarding scheduling.

The People then disclosed a brief interaction with juror as more fully stated on the record. The Defense had no issue with the interaction.

At 3:18 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Counsels for both parties were also present.

Thereafter, the People's witness Deirdre Jordan resumed testimony.

DEPT : 40
DATE : JUNE 9, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 4

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At 3:59 p.m., the People's witness Deirdre Jordan was excused and subject to recall.

Thereafter, witness Kevin Munoz was sworn and testified on behalf of the People.

At 4:22 p.m., the Peoples witness Kevin Munoz was excused.

Thereafter, the court announced the evening recess and ordered all to return at June 10, 2022, at 9:00 a.m. in Department 40.

Outside the presence of jurors, the court had off record discussions regarding scheduling.

The court then adjourned.

DEPT : 40
DATE : JUNE 9, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk.

18FE013037
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 8, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, D.A.G.

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT M. ELLIS, RET.
ADAM RAMIREZ, RET.

Nature of Proceedings: JURY TRIAL DAY 3 - ADDENDUM

Throughout the course of the day's proceedings the following exhibits were marked for identification for the People: 1, 2, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7B, 8, 9, & 10.

Throughout the course of the day's proceedings the following exhibits were ADMITTED for the PEOPLE: 1, 2, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7B, 8, 9, & 10.

DEPT : 40
DATE : JUNE 8, 2022
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 8, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

Nature of Proceedings: JURY TRIAL 3

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 9:09 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places.

Thereafter, the People made an opening statement.

At 9:43 a.m., the Defense made an opening statement.

At 10:05 a.m., witness Michael Berkeland was sworn and testified on behalf of the People.

At 10:15 a.m., the parties made an oral stipulation as to the defendant's identity for the purposes of witness testimony as more fully stated on the record.

Thereafter, testimony of the People's witness Michael Berkeland resumed.

At 10:30 a.m., the court conformed the stipulation between parties regarding the identification of the defendant by witness as more fully stated on the record.

Thereafter, the court announced the morning recess.

DEPT : 40
DATE : JUNE 8, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.
Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 3

Outside the presence of jurors, counsel stipulated off the record to release two jurors due to hardship.

At 10:52 a.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Counsels for both parties were also present.

The Court announced that Juror #4 and Juror #8 had been excused and randomly selected two alternate jurors by way of a drawing, as stated in the record.

Thereafter, testimony of the People's witness Michael Berkeland resumed.

At 11:35 p.m., the Peoples witness Michael Berkeland was excused.

Thereafter, the court announced the lunch recess and ordered all to return at 1:30 p.m.

At 1:31 p.m., the court reconvened with the jury and the alternate jurors present and in their proper places. Counsels for both parties were also present.

Thereafter, witness Heather Arlin was sworn and testified on behalf of the People.

At 3:00 p.m., the court announced the afternoon recess.

At 3:18 p.m., the People's witness Heather Arlin resumed testimony.

At 4:29 p.m., the court announced the evening recess, admonished the jurors, and ordered all to return on June 9, 2022, at 9:00 a.m. in Department 40.

Thereafter, outside the presence of jurors, the parties have off record discussions regarding scheduling.

The court then brought in People's witnesses Kevin Munoz and Diedre Jordan and ordered both to appear June 9, 2022, at 9:00 a.m. in Department 40.

The Court then adjourned.

DEPT : 40
DATE : JUNE 8, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE : JUNE 7, 2022
JUDGE : STEVE WHITE
REPORTER : NONE

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : NONE

The People of the State of California,
Plaintiff,

Case No. 18FE013037

v.

GARY WISNER,
Defendant.

Nature of Proceedings: PEOPLE'S MOTION IN LIMINE (EXCLUSION OF WITNESSES)
- ORDER

On June 6, 2022, the People filed a motion in limine seeking exclusion of three expert witnesses proffered by the defense. The People maintain they have not received required discovery (Pen. Code, § 1054.3) and ask the Court to exclude the witnesses under Penal Code section 1054.5. The People also seek exclusion of "a significant portion of the Defense character witnesses." The defense witness list includes 135 potential character witnesses.

The Court GRANTS the People's motion. The defense's failure to provide discovery related to the experts violates Penal Code section 1054.3 [defense must disclose any "statements of experts made in connection with the case"]. (*People v. Lamb* (2006) 136 Cal.App.4th 575, 580 [defense violated discovery rules by failing to turn over statements of expert despite expert not producing a written report].) The defense may call Dr. Arianjam to testify.

Under Penal Code section 352, the Court ORDERS the defense to call no more than 10 character witnesses, each of whom must be selected from the 135-person witness list provided to the People. Further, the defense may only call a witness if they have complied with Penal Code section 1054.3

DATED: 6/7/22



HON. STEVE WHITE
JUDGE OF THE SUPERIOR COURT

Superior Court of California,
County of Sacramento

DATE : JUNE 7, 2022
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE V. GARY WISNER

BY: J. BREDBERG
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 7, 2022 / 9:00 A.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO : 40
CLERK : J. BREDBERG
BAILIFF : J. CHAPMAN

THE PEOPLE,
Plaintiff,

PRESENT:
THOMAS BRENNAN, DAG

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT ELLIS, RET / ADAM
RAMIREZ, RET

Nature of Proceedings: JURY TRIAL DAY 2 - JURY SELECTION

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

Off the record, a panel of 48 prospective jurors gathered in the hallway, the clerk called roll and all responded to their names. The oath was given to the entire panel on voir dire. Thereafter, the prospective jurors were seated in the courtroom.

At 10:37 a.m., the Court convened with all parties and all prospective jurors present. The Court introduced the parties and read the witness list to the prospective jurors. The Court then read a neutral statement of the case, discussed the trial schedule, gave general instructions, admonished the prospective jurors in accordance with the law, and began their voir dire questioning.

At 11:58 a.m., the Court called the lunch recess. Jurors were reminded of their admonishment and ordered to return at 1:30 p.m.

At 1:33 p.m., with all parties present, the panel of prospective jurors entered the courtroom. Voir dire resumed.

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DEPT : 40
DATE : JUNE 7, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE013037
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 2 - JURY SELECTION

The following named jurors who were regularly drawn, impaneled, sworn and examined on their voir dire were excused as follows:

-HARDSHIP: JARY LEE, THOMAS SANGER, KRISTIAN KUSUNOKI, DESTINEE BANKS, & STACIE CRUZ.

-CAUSE: DEAN VOLPICELLI, COURTNEY SMITH, THOMAS HANJES, BRITTNEY RICHARDSON, KERENSA DALQUEN, TINA YANG, RICARDO HERRAN, ALYANNAMAE SALVA, EVAN CHALMERS, & HEATHER GRANT.

-BY THE DEFENDANT: RICHARD SHANAHAN, MARCELLA COBOS, & TRAVIS MERRIFIELD.

-BY THE PEOPLE: ROBYN RODRIGUEZ.

Respective counsel being satisfied with the composition of the panel the Court ordered seven alternate jurors be selected.

At 2:47 p.m., the clerk swore the selected panel of jurors to try said cause. (See separate confidential minute for the names of the selected jurors pursuant to section CCP 237(b).)

At 2:50 p.m., the clerk swore the alternate jurors. (See separate confidential minute for the names of the alternate jurors pursuant to section CCP 237(b).)

The remaining prospective jurors were thanked for their service and excused from this matter.

At 2:55 p.m., the Court called the lunch recess. Jurors were reminded of their admonishment and ordered to return at 3:10 p.m.

At 3:15 p.m., the Court reconvened with all parties present. All jurors and alternates were also present and in their proper places.

Thereafter, The Court pre-instructed the jury.

At 3:31 p.m., the Court announced the evening recess and ordered all to return June 8, 2022, at 9:00 a.m. in Department 40.

DEPT : 40
DATE : JUNE 7, 2022 / 9:00 A.M.
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

CASE NUMBER: 18FE0130378013137
DEPARTMENT: 40
CASE TITLE: THE PEOPLE VS. GARY ROYCE WISNER, M.D.
PROCEEDINGS: JURY TRIAL DAY 2 - JURY SELECTION

Thereafter, outside the presence of jurors, the Defense discussed an email related to the People's in limine motion that is under submission of the court as more fully stated on the record.

The Court then adjourned.

DEPT : 40
DATE : JUNE 7, 2022 / 9:00 A.M.
CASE NO. : 18FE0130378013137
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

18FE013037

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 6, 2022 / 1:30 P.M.
JUDGE : STEVE WHITE
REPORTER : K. ENNIS, #7480

DEPT. NO. : 40
CLERK : J. BREDBERG
BAILIFF : M. MENDEZ

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

PRESENT:
THOMAS BRENNAN, D.A.G.

VS. Case No.: 18FE013037

GARY ROYCE WISNER, M.D.,
Defendant.

ALBERT M. ELLIS, RET.
ADAM RAMIREZ, RET.

Nature of Proceedings: JURY TRIAL DAY 1 - PRETRIAL CONFERENCE

The above entitled matter came before this Court with Thomas Brennan for the people, present in the courtroom; Albert M. Ellis present in the courtroom with and for the defendant Gary Royce Wisner, M.D.

At 2:48 a.m., the court came to order with all parties present. Counsel made introductions.

Thereafter, the Defense's in limine motions were heard, argued and ruled on as follows: Motions 1-6, 8, & 9 were Granted as more fully stated on the record. Motion 7 was Denied in part as more fully stated on the record.

At 3:26 p.m., the People's in limine motion was heard and argued as more fully stated on the record. The Court took the People's in limine motion under submission to be ruled on at a later date.

At 3:44 p.m., the court discussed scheduling and other housekeeping matters as more fully stated on the record.

Thereafter, the matter was continued to June 7, 2022, at 9:00 a.m. in Department 40 for pretrial conference and jury selection.

The Court adjourned.

DEPT : 40
DATE : JUNE 6, 2022
CASE NO. : 18FE013037
CASE TITLE : THE PEOPLE VS. GARY ROYCE
WISNER, M.D.

Superior Court of California,
County of Sacramento

BY: J. BREDBERG,
Deputy Clerk

FELONY ABSTRACT OF JUDGMENT - DETERMINATE

(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SACRAMENTO			<div style="border: 2px solid black; padding: 5px; display: inline-block;"> FILED </div> <div style="display: inline-block; vertical-align: middle;"> ENDORSE </div>	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: WISNER, GARY ROYCE		DOB: 7-24-56	18FE013037	-A
AKA:				-B
CII NO.: A07233652		<input type="checkbox"/> NOT PRESENT		-C
BOOKING NO.: 3085640				-D
FELONY ABSTRACT OF JUDGMENT <input type="checkbox"/> PRISON COMMITMENT <input checked="" type="checkbox"/> COUNTY JAIL COMMITMENT <input type="checkbox"/> AMENDED ABSTRACT				
DATE OF HEARING 9-2-22	DEPT. NO. 40	JUDGE STEVE WHITE		
CLERK J. BREDBERG	REPORTER K. ENNIS, #7480	PROBATION NO. OR PROBATION OFFICER <input type="checkbox"/> IMMEDIATE SENTENCING A-532,697		
COUNSEL FOR PEOPLE TOMMY BRENNAN, DAG		COUNSEL FOR DEFENDANT <input type="checkbox"/> APPTD. ALBERT ELLIS, RET.; ADAM RAMIREZ, RET.		

1. Defendant was convicted of the commission of the following felonies:

- ☒ Additional counts are listed on attachment
 1 (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, Y)	CONCURRENT	1/3 CONSECUTIVE	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (Refer to Item 5)	654 STAY	SERIOUS FELONY	VIOLENT FELONY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA									YRS.	MOS.
1	PC	550(a)(5)	Writing to support false/fraud claim	2016	6 / 16 / 22	X			M			X					3	0
2	PC	550(a)(5)	Writing to support false/fraud claim	2015-16	6 / 16 / 22	X			M	X							(3)	0
3	PC	550(a)(5)	Writing to support false/fraud claim	2015-16	6 / 16 / 22	X			M		X						1	0
4	PC	550(a)(5)	Writing to support false/fraud claim	2016	6 / 16 / 22	X			M	X							(3)	0
5	PC	550(a)(5)	Writing to support false/fraud claim	2016	6 / 16 / 22	X			M		X						1	0
6	PC	550(a)(5)	Writing to support false/fraud claim	2013-16	6 / 16 / 22	X			M	X							(3)	0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	TOTAL

3. ENHANCEMENTS charged and found to be true for PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	TOTAL

4. ☒ Deft. sentenced per: ☒ to county jail per 1170(h)(1) or (2)
☐ to prison per 1170(a), 1170.1(a) or 1170(h)(3) due to ☐ current or prior serious or violent felony ☐ PC 290 or ☐ PC 186.11 enhancement
☐ per PC 667(b)-(l) or PC 1170.12 (strike prior)
☐ per PC 1170(a)(3). Preconfinement credits equal or exceed time imposed. ☐ Defendant ordered to report to local parole or probation office.

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: 2 0

7. ☐ Additional indeterminate term (see CR-292).

8. TOTAL TIME: 7 0

Attachments may be used but must be referred to in this document.

Page 1 of 2

FELONY ABSTRACT OF JUDGMENT - DETERMINATE

Penal Code,
§§ 1213, 1213.5

PEOPLE OF THE STATE OF CALIFORNIA vs.
 DEFENDANT: **WISNER, GARY ROYCE**

18FE013037

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: \$300.00 per PC 1202.4(b) forthwith per PC 2085.5; \$300.00 per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.
 Case B: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.
 Case C: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.
 Case D: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$ ☒ Amount to be determined to ☒ victim(s)* ☐ Restitution Fund
 Case B: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
 Case C: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
 Case D: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

☐ * Victim name(s), if known, and amount breakdown in item 13, below. ☒ * Victim names(s) in probation officer's report.

c. Fines:

Case A: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
 Case B: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
 Case C: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.
 Case D: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

d. Court Operations Assessment: \$400.00 per PC 1465.8. e. Conviction Assessment: \$300.00 per GC 70373. f. Other: \$ per (specify):

10. TESTING: ☒ Compliance with PC 296 verified ☐ AIDS per PC 1202.1 ☐ other (specify):

11. REGISTRATION REQUIREMENT: ☐ per (specify code section):

12. ☐ MANDATORY SUPERVISION: Execution of a portion of the defendant's sentence is suspended and deemed a period of mandatory supervision under Penal Code section 1170(h)(5)(B) as follows (specify total sentence, portion suspended, and amount to be served forthwith):

Total: Suspended: Served forthwith:

13. Other orders (specify):

16. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	18FE013037	1	0 <input type="checkbox"/> 2933 <input checked="" type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
B			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
C			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
D			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
Date Sentence Pronounced:		Time Served in State Institution:	
9-2-22		DMH	CDC CRC
		[]	[] []

14. IMMEDIATE SENTENCING: ☐ Probation to prepare and submit a post-sentence report to CDCR per PC 1203c.
 Defendant's race/national origin: WHITE.

15. EXECUTION OF SENTENCE IMPOSED:

- a. ☒ at initial sentencing hearing.
 b. ☐ at resentencing per decision on appeal.
 c. ☐ after revocation of probation.
 d. ☐ at resentencing per recall of commitment. (PC1170(d).)
 e. ☐ other (specify):

15. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.
 To be delivered to ☐ the reception center designated by the director of the California Department of Corrections and Rehabilitation.
☒ county jail ☐ other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

J. BREDBERG

DATE

9-7-22

FELONY ABSTRACT OF JUDGMENT - DETERMINATE

CR-290(A)

18FE013037

-A

-B

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- CONVICTED
BY

This attachment page number: 1

TOTAL	2	0
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- horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

TOTAL

- ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time Imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL
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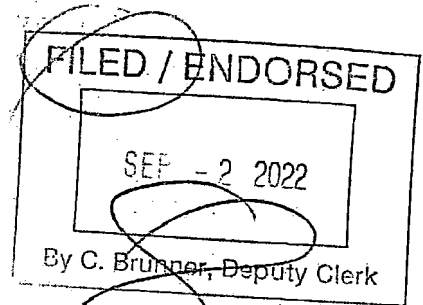
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C

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE & TIME: 09/02/2022 1:30 PM
JUDGE : STEVE WHITE
REPORTER :

DEPT : 40
CLERK : M. MARTIN
BAILIFF:



PEOPLE OF THE STATE OF CALIFORNIA) COUNSEL:
vs) TOMMY BRENNAN, DDA
)
)
GARY ROYCE WISNER, DEFENDANT) ALBERT ELLIS, RET
) ADAM RAMIREZ, RET
)
)

XREF: 3085640 DOB: 07/24/1956 CASE NO. 18FE013037

MINUTE ORDER & ORDER OF PROBATION

Defendant and counsel above named were present. Defendant was convicted as follows:

06/16/2022 CT 1	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 2	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 3	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 4	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 5	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 6	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 7	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 8	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 9	PC 550(A)(5) FEL	Guilty by Jury Trial
06/16/2022 CT 10	PC 550(A)(5) FEL	Guilty by Jury Trial

The court having read and considered the presentence probation report, ordered it filed.

Defendant ordered to submit DNA sample pursuant to 296.1(a)(3)(a) PC.

Pursuant 1170(H)(5)(B) of the Penal Code, it is hereby ordered that the defendant be sentenced to the aggregate term of 7 year(s) as imposed on

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PAGE:

DATE: 09/02/2022

CASE NO. 18FE013037

CASE TITLE: WISNER

DISTRIB:

PAGE

1

JICR0220/CR30 (12/1991)

the following count(s) and/or allegation(s) and/or prior(s):

Count 1 : Middle Term of 3 year(s).

Counts 3,5,7,9 each: 1/3 Middle Term of 1 year consecutive.

Counts 2,4,6,10 each: Middle Term of 3 year(s), concurrent.

The first 2 year(s) to be served in the County Jail.

While in confinement, the defendant will comply with all rules and regulations of the County Jail and conduct him/herself in a proper manner.

The defendant shall receive credit for time served of 1 day(s).
(1 day(s) + 0 day(s) gt/wt = 1 days total.)

The defendant will then be placed on mandatory supervision for the concluding term of 5 year(s) through the Sacramento County Probation Department on the following terms and conditions.

The defendant shall seek and obtain professional counseling through and under the direction of the Probation Officer.

Defendant not knowingly own or possess any dangerous or deadly weapons.

The defendant not knowingly own, purchase, receive or have in his possession or under his/her custody or control, any firearm, ammunition or reloading ammunition. Condition as mandated in 29800(a)(1) and 30305(a) PC.
Defendant advised and provided with firearms prohibition packet.

The defendant shall not own, possess, purchase, or have under his or her custody and control a firearm, ammunition, ammunition feeding device, including but not limited to magazines.

The defendant shall submit a Bureau of Firearms Form 1022 (Prohibited Persons Relinquishment Form) to the Probation Department within five (5) days of sentencing or within (14) fourteen days of sentencing if the he or she remains in custody.

The defendant shall surrender all firearms pursuant to Section 29810 of the Penal Code and provide Probation with Bureau of Firearms Forms 1025 (firearm Disposition Receipt), within five (5) days of sentencing or within (14) fourteen days of sentencing if he or she remains in custody.

The defendant has been advised that any person who lives with him or her and owns firearms must store those firearms in accordance with Penal Code Section 25135.

Criminal impact fee (PC 1465.7) 20% surcharge on base fines

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CASE NO.: 18FE013037

CASE TITLE: WISNER

DISTRIB: PAGE 2

JICR0220/CR30 (12/1991)

Defendant shall make restitution in the amount of \$787,726.52 to the victim: Medi-Cal Healthcare Insurer and in the amount of \$1,388,893.15 to the victim: Medicare Healthcare Insurer, pursuant to Section 1202.4 of the Penal Code, payable through the Courts installments process. Pursuant to Section 1202.4(f)(11), if the defendant has an unpaid balance on a restitution order or fine, the defendant shall prepare and file a new updated financial disclosure form (CR-115) with the Court no later than 90 days prior to his or her scheduled release from probation or completion of a conditional sentence.

Defendant shall pay a \$300.00, restitution-fine pursuant to Penal Code Section 1202.4(b)

Any balance on restitution due to the victims at the termination of probation may be collected pursuant to Penal Code Section 1203j.

Pursuant to Penal Code Section 1202.44, the Court is imposing an additional restitution fine in the same amount just imposed under Penal Code Section 1202.4(b). Payment of this fine is stayed and shall become effective upon revocation of Probation.

Defendant shall pay all fines, fees, assessments and restitution through the court's installment process, which may include the Department of Revenue Recovery.

Defendant pay a court security surcharge fee, per conviction, pursuant to Penal Code Section 1465.8(a)(1) in the amount of \$400.00 (\$40.00 X 10 conviction), payable through the Court's installment process. This is a court ordered fee not a condition of probation.

Defendant pay a mandatory Court facility fee in the amount of \$300.00 pursuant to section 70373 of the Government Code, payable through the Court's installment process.

Defendant shall submit his/her person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or probation officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same,

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CASE TITLE: WISNER
DISTRIB: PAGE 3

JICR0220/CR30 (12/1991)

Defendant pay through the Court's installments process the amount determined after an evaluation and recommendation of ability to pay and for development of a payment schedule for court-ordered costs, fees, fines and restitution within five (5) days of sentencing or within five (5) days of release from custody.

Costs for presentence report, probation supervision waived.

Defendant shall report to the Probation Office within 48 hours of release.

P.C. 1546 searchable - Defendant shall submit his/her person, place, property, automobile, electronic storage devices, and any object under his/her control, including but not limited to cell phone and computers, to search and seizure by any law enforcement officer or probation officer, any time of the day or night, with or without a warrant, with or without his/her presence or further consent.

Defendant being advised of his/her constitutional and statutory rights pursuant to Penal Code section 1546 et seq. in this regard, and having accepted probation, is deemed to have waived same and also specifically consented to searches of his/her electronic storage devices.

Defendant shall provide access to any electronic storage devices and data contained therein, including disclosing and providing any and all necessary to conduct a search;

Defendant participate in an evidence based treatment intervention program addressing criminal thinking through and under the direction of the probation officer.

Advisement: If the defendant violates the terms of supervision, instead of a formal violation of supervision or revocation proceedings, the defendant agrees a Flash Incarceration of up to ten (10) days in the Sacramento County Jail for each violation that may act as an alternative to a formal violation of supervision or revocation. The defendant will not earn or receive conduct credits (good time/work time) for days served in flash incarceration unless supervision is revoked.

Any violation which results in flash incarceration may not thereafter be alleged against the defendant in a formal violation of supervision or revocation declaration.

If, at the time of the Flash Incarceration, the defendant does not agree to accept a recommended period of flash incarceration, the probation officer is authorized to address the alleged violation by filing a declaration or

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PAGE 4

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revocation request with the Court.

If agreeing to a Flash Incarceration in lieu of a formal violation of supervision, does not take away a probation officer's discretion to file a formal dclaration alleging a violation of probation or a request for revocation proceedings with the Court.

Waiver: For each violation for which the probation officer elects to use Flash Incarceration the defendant must:

- Waive your right to be represented by an attorney.
- Waive your right to a hearing in Court to determine if you are in violation of supervision.
- Waive your right to confront and cross examine any/my accusers.
- Waive your right to present your own defense and to use the subpoena power of the Court to compel the attendance of witnesses for my defense at no cost.
- Waive your right to remain silent.

It is further Order of the Court that you shall, during your term of mandatory supervision, comply in all respects with the following General Conditions of Supervision as authorized by the provisions of the Probation Statutes of the State of California. Further, that you shall comply in all respects with any special conditions of supervision which may subsequently be ordered by the Court or the Probation Officer.

1. Obey all laws applicable to you.
2. Seek and/or maintain regular and steady employment or be enrolled in an educational or vocational program approved by the probation officer having your supervision; not voluntarily change employment without having gained approval for such change; and if your employment is terminated, either temporarily or permanently, for any cause whatsoever, you are to notify your probation officer within 48 hours.
3. You may not leave the State of California at any time without first securing permission from your probation officer and completing the appropriate procedures to do so. You are not to remain away from your regular residence for more than 48 hours without first having secured permission from your probation officer. You are to immediately notify your probation officer of any intended change of address and the reasons therefore.
4. You are to follow in all respects any resonable instructions given to you by the probation officer having your supervision.

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5. You are to report in person to the Division of Adult Probation or other such reporting facility at such times and dates and the probation officer having your supervision may direct. If for any reason beyond your control you are unable to report on your assigned date and time, you shall communicate this fact to the Division of Adult Probation on or before the assigned date.

6. You shall allow probation officers to visit the home and place of employment at reasonable times.

7. Inform probation officer of dogs and other pets with potential to cause harm in the residence. You are to notify the probation officer of any change within 24 hours.

Failure by you to comply with any of the foregoing Specific and General Conditions of Mandatory Supervision could result in: (1) the revocation of your mandatory supervision period and additional confinement in the County Jail up to the maximum concluding term, including any period of time held in custody pending the outcome of any violation hearing; (2) the term of supervision being extended up to the maximum provided by law; or (3) the conditions of supervision being amended, resulting in change or addition

to the condition(s) within the limits of probation Statutes of the State of California.

Defendant is released on probation.

Done in open Court 09/02/2022

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The foregoing terms and Conditions of Probation have been explained to me and I fully understand them and agree in every particular to abide by them.

Date: _____ Probationer

Witnessed:

By: _____
Officer

Sec. 1203.4 Penal Code: PROBATIONER MAY WITHDRAW PLEA OF GUILTY.

At any time after the termination of the period of probation, upon completion of the requirements of Penal Code section 1203.4, you may petition the court to exercise its discretion to allow you to withdraw your plea of guilty or nolo contendere or to set aside a verdict of guilty and dismiss the accusations against you. If such relief is granted by the court, you may also petition the court for a certificate of rehabilitation and pardon upon completion of the requirements of Penal Code section 4852.01.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

NOTICE: Both California Penal Code Section 12021 and the Federal Gun Law of 1968 prohibit the use or possession of any firearm, including any handgun, rifle or shotgun, by any individual convicted of a felony.

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JICR0220

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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SACRAMENTO
11

12
13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Plaintiff,

16 v.

17 GARY ROYCE WISNER,

18 Defendant.
19

Case No. 18FED13037

FELONY COMPLAINT

[AG DOCKET No: SA2016103925]

20 The People of the State of California hereby allege that in the County of Sacramento,
21 State of California, and elsewhere, within the State of California, before the drafting of this
22 criminal complaint, the above-named defendant, Gary Wisner (DOB 7/24/1956), committed the
23 following criminal offenses, all connected in their commission yet constituting separate criminal
24 offenses:

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COUNT 1

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**

On or about, and between, August 17, 2016 and December 6, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving J. Martinez and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 2

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**

On or about, and between, July 10, 2015 and July 29, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving K. Chitwood and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 3

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**

On or about, and between, May 29, 2015 and March 23, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving M. Berkeland and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 4

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**

On or about, and between, April 15, 2016 and October 31, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving B. Frechette and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

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COUNT 5
Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years

On or about, and between, January 12, 2016 and December 1, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving A. Suddith and the Medi-Cal Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 6
Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years

On or about, and between, October 28, 2013 and September 23, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving C. Grabowski and the Medicare Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 7
Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years

On or about, and between, January 7, 2013 and September 9, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving B. Figueroa and the Medicare Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 8
Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years

On or about, and between, November 6, 2013 and February 13, 2015, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving G. Mettler and the Medicare Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

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COUNT 9

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**

On or about, and between, February 7, 2013 and September 23, 2015, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving M. Brusstar and the Medicare Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

COUNT 10

**Penal Code section 550, subdivision (a)(5) – Felony
Healthcare Insurance Fraud – 2, 3, or 5 years**


On or about, and between, April 1, 2016 and August 26, 2016, Gary Wisner did knowingly prepare, make, or subscribe writings, with the intent to present and use them, or allow them to be presented, in support of false and fraudulent claims involving K. Rosen and the Medicare Healthcare Insurer, in violation of Penal Code section 550, subdivision (a)(5), a felony.

I declare under penalty of perjury, on information and belief, pursuant to the laws of the State of California, that the foregoing is true and correct.

Dated: July 5th, 2018

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California



THOMAS M. BRENNAN
Deputy Attorney General
*Attorneys for the People of the State of
California*

REQUEST FOR DISCOVERY

Pursuant to Penal Code section 1054.5, subdivision (b), the People request from defendant and defense counsel all materials and information required to be disclosed to the prosecution by the defense under the authority of Penal Code section 1054.3, including the following:

1. The names and addresses of persons, other than the defendants, whom the defendants intend to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].

2. Any relevant written or recorded statements of persons whom the defendants intend to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].

3. Any reports of the statements of persons whom the defendants intend to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].

4. Any reports or statements of experts made in connection with the case. [Pen. Code § 1054.3, subd. (a)].

5. Any results of physical or mental examinations, scientific tests, experiments or comparisons which the defendants intend to offer in evidence at the trial. [Pen. Code § 1054.3, subd. (a)].

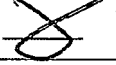
6. Any real evidence which the defendant intends to offer in evidence at the trial. [Pen. Code § 1054.3, subd. (a)].

This is a continuing request for the above information. If the information becomes available at a future time, the prosecution, by this request, asks that it be immediately disclosed to the prosecution.

HOLDING ORDER

Defendant GARY WISNER:

Based on the evidence presented at the preliminary hearing, it appears that the following offenses charged in the above Complaint have been committed and there is sufficient cause to believe Defendant GARY WISNER is guilty of these offenses.

 Defendant has waived preliminary hearing of the offenses charged in the above complaint. Exceptions/Additions/Conditions: _____

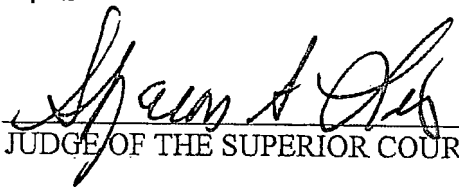
IT IS ORDERED, pursuant to Penal Code section 872, it appearing that the offense(s) in the within complaint have been committed, and that there is sufficient cause to believe that the Defendant is guilty and held to answer in Superior court to the following offenses:

COUNT	CHARGE	CHARGE RANGE
1	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
2	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
3	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
4	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
5	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
6	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
7	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years

8	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
9	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years
10	Penal Code section 550(a)(5) – a Felony Healthcare Fraud	2, 3, or 5 years

In my capacity as Judge of the Superior Court, I deem the within Complaint to be the Information and order it filed as such in the Superior Court.

Dated this 10 day of July, 2019


JUDGE OF THE SUPERIOR COURT